

**REMARKS****Drawings**

The informal drawings filed with the application were rejected by the Examiner as they were hand drawn. Formal drawings are enclosed to address the rejection.

**Claim Rejections Under 35 U.S.C. § 112**

Claims 14, 49, 52 and 53 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention. Claims 14, 49, 52 and 53 have been amended to add the term “flash”. This makes it clear that the claimed utility program is the flash utility program that, as taught in the specification, controls the write operations to the flash memory.

**Claim Rejections Under 35 U.S.C. § 102**

Claims 1, 2, 36, and 37 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Junya et al.* (U.S. Patent No. 5,469,564). Applicant respectfully traverses this rejection.

Claims 1, 6, 9, 11, 36, and 56 have been amended to more clearly claim that the check register toggles the write enable signal from a high to a low state in response to the stored and compared code.

*Junya et al.* discloses a data storage device that is capable of preventing unauthorized access to data that is stored within. The Examiner states that the password table area 15 and the data file area 16 of the memory 10 is the same as Applicant’s claimed check register. However, these blocks do not have the same structure/functionality as Applicant’s check register.

Applicant’s check register stores an access code and then generate the write enable signal to the memory array depending on the composition of the access code. Items 16 and 15 of *Junya et al.* simply store the passwords and addresses of the passwords, respectively. There is no teaching or suggestion that these blocks 15, 16 are responsible or even capable of generating write enable signals.

None of the other circuits of *Junya et al.* have the same structure and/or perform the same function as Applicant’s claimed invention. The R/W control circuit 11 of the data storage device 100 reads passwords from the data file area 16 of the memory 10 in response to address signals.

A separate comparing circuit 12 performs a compare of passwords read out by the R/W control circuit 11 with passwords supplied by the host computer 200. None of these circuits 11, 12, and 200, alone or in combination, teach or suggest Applicant's invention as claimed in the amended claims. There is no teaching or suggestion that a write enable signal is affected by the R/W control circuit 11 when a password is matched or not matched. Col. 3, lines 21 – 32 clearly describe the operation of the R/W control circuit 11 in relation to the other circuits 15, 16, 12, and 200. There is no teaching or suggestion of generating or not generating a write enable signal. *Junya et al.*, therefore, neither teaches nor suggests Applicant's invention.

Claims 56-59 were rejected under 35 U.S.C. § 102(b) as being clearly anticipated by *Davis* (U.S. Patent No. 6,633,981). Applicant respectfully traverses this rejection.

*Davis* '981 discloses a system and method for controlling access to a BIOS device using a digital signature, public key, and token. The Examiner points out multiple passages in Column 5 that allegedly teach Applicant's invention as claimed. However, not only do these passages not teach or suggest Applicant's claimed invention, the whole of *Davis* neither teaches nor suggests Applicant's invention.

*Davis* discusses controlling access to the BIOS but does not mention whether the access that is allowed/disabled is read access, write access, or both. Further, *Davis* does not disclose the generation or disablement of any type of signal that controls access to the BIOS. Access to the BIOS can be controlled in multiple ways by controlling one or more of multiple signals that are connected to a memory device. *Davis*' method never teaches which, if any, memory signals are affected. Applicant's invention, as claimed in the amended claims, generates or disables the write enable signal in response to the enable code. This is neither taught nor suggested by *Davis*.

*Claim Rejections Under 35 U.S.C. § 103*

Claims 6-11, 13, 16-25, 27-29 and 42-44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Davis* (U.S. Patent No. 5,844,986) and *Davis* (U.S. Patent No. 6,633,981) and Official Notice as detailed in action.

The *Davis* '981 reference was previously shown to neither teach nor suggest Applicant's invention. *Davis* '986 discloses a BIOS stored in a non-volatile memory. *Davis* '986 does not teach or suggest Applicant's invention as claimed. Additionally, even if it were obvious to

combine *Davis* '981 with *Davis* '986, and Applicant maintains that it is not, the combination cannot teach or suggest Applicant's invention as claimed. Even the combination of '986 and '981 does not teach or suggest a check register that generates a write enable signal in response to an access code.

Claims 3-5 and 38-41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Junya et al.* as applied to claims 1 and 36, *Davis* (U.S. Patent No. 6,633,981) and Official Notice as detailed in action. Applicant respectfully traverses this rejection.

Both *Junya et al.* and *Davis* '981 were shown previously to neither teach nor suggest Applicant's invention as claimed. Even if it were obvious to combine these references, the combination would not teach or suggest Applicant's invention. Further, since these rejected claims are dependent to claims that Applicant has previously shown to be allowable, the dependent claims are also allowable.

*Allowable Subject Matter*

Claims 45-55 were allowed.

Claim 14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in the action and to include all of the limitations of the base claim and any intervening claims.

Claims 15, 26, 27 and 30-35 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

**CONCLUSION**

For the above-described reasons, Applicant believes that the claims are now in condition for allowance. Applicant respectfully requests that the Examiner withdraw the rejection of the claims. If the Examiner has any questions or concerns regarding this application, please contact the undersigned at (612) 312-2211. No new matter has been added and no additional fee is required by this amendment and response.

Respectfully submitted,

Date: \_\_\_\_\_

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